Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Italy*

1. The Committee considered the seventh periodic report of Italy (CEDAW/C/ITA/7) at its 1502nd and 1503rd meetings (see CEDAW/C/SR.1502 and 1503), held on 4 July 2017. The Committee's list of issues and questions is contained in CEDAW/C/ITA/Q/7 and the responses of Italy are contained in CEDAW/C/ITA/Q/7/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its seventh periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Minister Plenipotentiary and President of the Interministerial Committee for Human Rights, Fabrizio Petri, and included representatives of the Department for Equal Opportunities, the National Office against Racial Discrimination, the Department for Family Policies, the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour and Social Policies, the Ministry of Education, University and Research, the Ministry of Health, the National Institute of Statistics, the National Communications Regulatory Authority and the Permanent Mission of Italy to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's sixth periodic report (CEDAW/C/ITA/6) in undertaking legislative reforms, in particular the adoption of the following:

(a) Decree on gender budgeting in public administrations, in June 2017, by which the impact of public policies on women and men will be assessed with regard to pay, services, unpaid time and work;

* Adopted by the Committee at its sixty-seventh session (3-21 July 2017).

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(b) Act No. 81/2017, in June 2017, which provides for measures to promote new flexible working arrangements for employees in the public and private sectors;

(c) Act No. 107/2015, in July 2015, which provides for the inclusion of education on gender equality in the national education and training system;

(d) Legislative Decree No. 80/2015, in June 2015, on measures for reconciliation between care, work and family life;

(e) Legislative Decree No. 24/2014, in March 2014, to implement Directive 2011/36/EU of the European Parliament and Council on preventing and combating trafficking in human beings and protecting its victims;

(f) Act No. 215/2012, in December 2012, which promotes gender balance and equality in local governments and regional councils;

(g) Act No. 120/2011, in June 2011, which provides for minimum quotas for the less represented sex on boards of directors and boards of statutory auditors of publicly listed companies.

5. The Committee takes note of the adoption of Act No. 76/2016, in May 2016, which recognizes the right of lesbian, bisexual and transgender women to enter into same-sex civil unions and cohabitation.

6. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) National action plan on women and peace and security, covering the period 2016-2019, in December 2016;

(b) National action plan against trafficking in and serious exploitation of persons, covering the period 2016-2021, in February 2016;

(c) Extraordinary national action plan against sexual and gender-based violence, covering the period 2015-2017, in July 2015.

7. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016;

(b) International Convention for the Protection of All Persons from Enforced Disappearance, in 2015;

(c) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2015;

(d) 1961 Convention on the Reduction of Statelessness, in 2015;

(e) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), in 2013;

(f) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2013;

(g) Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization, in 2013.

C. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Chamber of Deputies and the Senate, in line with their mandates, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

D. Principal areas of concern and recommendations

General context

9. The Committee notes with concern that the financial and economic crisis and the austerity measures adopted by the State party in an effort to stabilize public finances have had a detrimental and disproportionate impact on women in all spheres of life owing to cuts in public services mostly used by women for themselves or for persons under their care, such as children and older persons. The Committee reminds the State party that, even in a time of fiscal constraint and economic crisis, special efforts must be made to respect women's rights, sustain and expand social investment and social protection and employ a gender-sensitive approach, according priority to women in vulnerable situations and avoiding retrogressive measures.

10. **The Committee recommends that the State party:**

(a) **Undertake a comprehensive study on the consequences of the austerity measures on women and design an action plan to mitigate the adverse effects of such measures;**

(b) **Ensure the internal redistribution of its resources to overcome the consequences of the financial crisis, according priority to measures that support gender equality in all fields.**

Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

11. The Committee notes that its previous concluding observations, the State party's seventh periodic report and other relevant documents have been translated into Italian, disseminated and published on the website of the Department for Equal Opportunities. It also notes that the Higher School for the Judiciary has provided targeted refresher courses on gender-based discrimination and violence, with a specific focus on the provisions of the Convention. The Committee is, however, concerned at the general lack of awareness of the Convention, the Optional Protocol and the Committee's general recommendations in the State party. It is particularly concerned that women themselves, especially those belonging to disadvantaged groups, including women from rural areas, women migrants, asylum seekers and refugees, Roma, Sinti and Caminanti women and women with disabilities, are unaware of their rights under the Convention and thus lack the information necessary to claim such rights.

12. **The Committee recommends that the State party:**

(a) **Enhance women's awareness of their rights under the Convention and the remedies available to them to claim violations of such rights, and ensure that information on the Convention, the Optional Protocol and the**

Committee's general recommendations is provided to all women, targeting in particular women belonging to disadvantaged groups, including women from rural areas, women migrants, asylum seekers and refugees, Roma, Sinti and Caminanti women and women with disabilities;

(b) **Further strengthen legal training and capacity-building programmes for judges, prosecutors, lawyers and other legal professionals on the Convention, the Optional Protocol, the Committee's general recommendations and the Committee's views on individual communications and inquiries, so as to enable them to apply, invoke and/or refer to the provisions of the Convention directly and to interpret national legislation in line with the Convention.**

Responsibility and accountability of the national Government

13. While the Committee is cognizant of the complex regionalized system of the State party, it reminds the national Government of its responsibility to ensure the implementation of the Convention in all regions. The Committee remains concerned about the critical geographical disparities in the realization of women's human rights in the State party.

14. **The Committee recommends that the State party establish an effective mechanism aimed at ensuring accountability and the transparent, coherent and consistent implementation of the Convention throughout its territory.**

Women refugees and asylum seekers

15. The Committee commends the State party for its remarkable and sustained efforts to rescue at sea and receive, host and provide protection and assistance to high numbers of persons fleeing armed conflict or persecution. It also welcomes the inclusion of gender-based persecution as grounds for recognition of refugee status. The Committee is, however, concerned that the support from European Union member States has been insufficient to alleviate the efforts of the State party and the host community. It is further concerned about:

(a) The lack of a comprehensive and harmonized framework, including clear procedures, guidelines and standards, for the identification of and provision of assistance to individuals with specific needs and vulnerabilities, especially refugees and asylum seekers who are women and girls;

(b) The insufficient number of reception centres and the overcrowding and substandard conditions in existing centres owing to the increasing number of refugees and asylum seekers entering the country;

(c) The lack of services provided to refugees and asylum seekers placed in administrative detention, in particular to women with specific needs and vulnerabilities;

(d) The insufficient financial support given to civil society organizations working with women refugees and asylum seekers;

(e) The planned ban preventing rescue boats of non-governmental organizations from allowing those rescued to disembark in Italian ports.

16. **The Committee recommends, in line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, that the State party:**

(a) **Put in place gender-appropriate, culturally sensitive and age-sensitive individual screening and assessment procedures to ensure the systematic and early identification of refugees and asylum seekers, in**

particular women and girls who have been victims or are at risk of gender-based violence;

(b) **Increase the number of available places in reception centres and ensure adequate reception standards for refugees and asylum seekers, with particular attention to the needs of women and girls;**

(c) **Provide adequate services to refugees and asylum seekers placed in administrative detention, in particular women with specific needs and vulnerabilities;**

(d) **Ensure that immigration detention is applied only as a measure of last resort, after it has been determined, on a case-by-case basis, to be strictly necessary, proportionate, lawful and non-arbitrary, and is imposed for the shortest possible period;**

(e) **Strictly observe the principle of non-refoulement for all women and girls in need of international protection and amend expulsion procedures to ensure that no individual is expelled without an individualized risk assessment;**

(f) **Increase collaboration with and financial support to civil society organizations working with women refugees and asylum seekers;**

(g) **Continue to allow rescue boats of non-governmental organizations to dock in Italian ports and allow those rescued to disembark;**

(h) **Seek and strengthen cooperation with countries in the region, in particular European Union member States, to share the economic burden and provide for the needs of refugees, including resettlement and humanitarian admission opportunities.**

Legislative framework and access to justice

17. The Committee notes the numerous laws and regulations with the aim of combating sex-based discrimination and making gender equality a reality, in particular Legislative Decree No. 5/2010, supplementing and amending the Code of Equal Opportunities between Women and Men. It also notes the implementation of the joint programme of the Council of Europe and the European Union on access to justice for Roma, Sinti and Caminanti Women, in partnership with the National Office against Racial Discrimination. The Committee is concerned, however, about:

(a) The limited effectiveness of the State party's anti-discrimination legislation;

(b) The unsystematic protection against discrimination afforded to lesbian, bisexual and transgender women and intersex persons;

(c) The difficulties faced by women in claiming their rights owing to legal illiteracy, the costs and length of procedures, insufficient legal aid, gender bias within the judiciary and the lack of reparation;

(d) The insufficient integration of the prohibition of intersecting forms of discrimination into national laws and public policies.

18. **In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Strengthen the legislative framework on gender equality and eliminate sex-based or gender-based discrimination;**

(b) **Amend article 3 of the Constitution and Act No. 205/1993 to protect lesbian, bisexual and transgender women and intersex persons from intersecting forms of discrimination or hate crimes;**

(c) **Accord priority to measures to expedite legal proceedings and improve the treatment of victims of gender-based violence against women and to eliminate gender stereotyping within the judiciary;**

(d) **Ensure that intersecting forms of discrimination are adequately addressed by courts, including through training for judges and lawyers.**

Women and peace and security

19. The Committee commends the State party on its commitment to the implementation of Security Council resolution 1325 (2000) and on the launch of its national action plan on women and peace and security, covering the period 2016-2019, in December 2016, as well as its role in promoting the women and peace and security agenda in countries in conflict or post-conflict situations. The Committee is, nevertheless, concerned about the export of arms by the State party, including to conflict zones, and the absence of a specific mechanism for gender-based violence risk assessments, in line with its obligations under the Arms Trade Treaty and the European Union Code of Conduct on Arms Exports.

20. **The Committee recommends that legislation regulating arms export control be harmonized with article 7 (4) of the Arms Trade Treaty and with Council Common Position 2008/944/CFSP of the Council of the European Union defining common rules governing control of exports of military technology and equipment. It also recommends that the State party integrate a gender dimension into its strategic dialogues with countries purchasing Italian arms and that, before export licences are granted, comprehensive and transparent assessments be conducted of the impact that the misuse of small arms and light weapons has on women, including those living in conflict zones.**

National machinery for the advancement of women

21. The Committee welcomes the establishment of a number of new institutions and mechanisms with the aim of eliminating discrimination against women, as well as the extension of the mandate of existing mechanisms within the Presidency of the Council of Ministers and various government departments. The Committee is, however, concerned about:

(a) The insufficient human, technical and financial resources allocated to the national machinery for the advancement of women to effectively coordinate and implement gender equality plans, policies and programmes in all areas and at all levels of government;

(b) The absence of an overarching and integrated policy on gender equality at the national level;

(c) The complexity of the national machinery, given the need for clear and coherent coordination of gender mainstreaming efforts;

(d) The priority given by the Department of Family Policies to protection of the family compared with that afforded to the elimination of discrimination against women.

22. **The Committee recommends that the State party:**

(a) **Increase the resources allocated to the Department for Equal Opportunities to ensure that a clear focus on women's rights is maintained and**

consider re-establishing the Ministry for Equal Opportunities as a high-level mechanism capable of initiating, coordinating and implementing gender equality policies;

(b) **Expedite the adoption and effective implementation of a national gender policy and ensure that gender mainstreaming is consistently applied in the formulation and implementation of all laws, regulations and programmes in all ministries and decentralized government structures;**

(c) **Strengthen coordination between the various components of the national machinery by clearly defining their mandates and responsibilities in relation to women's rights, conduct regular monitoring and evaluation of such coordination and ensure that the national machinery is represented at the regional and local levels;**

(d) **Ensure the full compliance of the Department for Family Policies with the principles enshrined in the Convention in both its goals and its actions.**

National human rights institution

23. The Committee notes the information provided by the delegation about the pending bill establishing a national human rights institution. It remains concerned, however, about the continued delays in adopting that law.

24. **The Committee recommends that the State party establish an adequately resourced national human rights institution compliant with the principles relating to the status of national institutions (the Paris Principles) that is mandated to protect and promote all human rights, including women's rights.**

Stereotypes

25. The Committee notes the State party's efforts to combat discriminatory gender stereotypes by promoting the sharing of household duties and parenting responsibilities and to address the stereotyped portrayal of women in the media by strengthening the role of the Advertising Self-Regulation Institute. Nevertheless, it notes with concern:

(a) The entrenched stereotypes concerning the roles and responsibilities of women and men in the family and in society, perpetuating traditional roles of women as mothers and housewives and undermining their social status and educational and career prospects;

(b) The limited measures taken to eliminate stereotypes in the education system, including in school curricula and textbooks;

(c) The growing influence of men's organizations in the media, portraying negative stereotypes of women;

(d) The exposure of women migrants, refugees and asylum seekers and of Roma, Sinti and Caminanti women and girls to a heightened risk of discrimination and xenophobic acts, which is compounded by the current social and political context.

26. **The Committee recommends that the State party:**

(a) **Put in place a comprehensive strategy with proactive and sustained measures to eliminate and modify patriarchal attitudes and gender stereotypes, with particular focus on women belonging to minority groups, who are often the target of hate speech and racially motivated violence, by revising textbooks and curricula and conducting awareness-raising campaigns directed at women and men in general and at the media and advertising agencies specifically;**

(b) **Engage with relevant actors, impose stricter regulations and use innovative measures, when possible, to enhance a positive and non-stereotypical portrayal of women in the media and in advertisements.**

Gender-based violence against women

27. The Committee welcomes the measures taken to combat gender-based violence against women, including the adoption and implementation of Act No. 119/2013 on urgent provisions on safety and to combat gender-based violence, and the establishment of a national observatory on violence and a national database on gender-based violence. The Committee remains concerned, however, about:

(a) The high prevalence of gender-based violence against women and girls in the State party;

(b) The underreporting of gender-based violence against women and the low prosecution and conviction rates, resulting in impunity for perpetrators;

(c) The limited access to civil courts for women who are victims of domestic violence who seek restraining orders;

(d) The fact that, although these procedures are not mandatory, courts continue to refer victims to alternative dispute resolution, such as mediation and conciliation, in cases of gender-based violence against women, as well as the emerging usage of restorative justice mechanisms for less severe cases of stalking, which might be expanded to apply in other forms of gender-based violence against women;

(e) The cumulative impact and intersection of racist, xenophobic and sexist acts against women;

(f) The lack of studies addressing the structural causes of gender-based violence against women and the lack of measures intended to empower women;

(g) The regional and local disparities in the availability and quality of assistance and protection services, including shelters, for women who are victims of violence, as well as the intersecting forms of discrimination against women from minority groups who are victims of violence.

28. **Recalling the provisions of the Convention and its general recommendations No. 19 (1992) on violence against women and No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Expedite the adoption of a comprehensive law to prevent, combat and punish all forms of violence against women, as well as of the new national action plan against gender-based violence, and ensure that adequate human, technical and financial resources are allocated for their systematic and effective implementation, monitoring and assessment;**

(b) **Evaluate the response of the police and the judiciary to complaints of sexual crimes and introduce mandatory capacity-building for judges, prosecutors, police officers and other law enforcement officers on the strict application of criminal law provisions on gender-based violence against women and on gender-sensitive procedures for interviewing women who are victims of violence;**

(c) **Encourage women to report incidents of domestic and sexual violence to law enforcement bodies by destigmatizing victims, sensitizing the police and the judiciary and raising awareness about the criminal nature of**

such acts and ensure that women have effective access to civil courts to obtain restraining orders against abusive partners;

(d) **Ensure that alternative dispute resolution mechanisms, such as mediation, conciliation and restorative justice, are not utilized by courts for cases of gender-based violence so that these do not constitute an obstacle to women's access to formal justice, and harmonize all relevant national legislation with the Istanbul Convention;**

(e) **Ensure that racist, xenophobic and sexist acts against women are thoroughly investigated, the perpetrators prosecuted and the sentences imposed commensurate with the gravity of the crime;**

(f) **Reinforce the protection and assistance provided to women who are victims of violence, including by strengthening the capacity of shelters and ensuring that they meet the needs of victims and cover the entire territory of the State party, allocating adequate human, technical and financial resources and enhancing State cooperation with non-governmental organizations providing shelter and rehabilitation to victims;**

(g) **Collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and the perpetrator.**

Trafficking and exploitation of prostitution

29. The Committee welcomes the adoption of the national action plan against trafficking in and serious exploitation of persons, covering the period 2016-2021. It remains concerned, however, about the prevalence of trafficking in women and girls to the State party and their subsequent forced prostitution, especially in the context of the recent migration flow. It is also concerned about:

(a) The absence of a comprehensive gender-sensitive law on trafficking in persons;

(b) The low prosecution and conviction rates in cases of trafficking;

(c) The lack of adequate mechanisms to identify and refer victims of trafficking in need of protection, who are often considered offenders and irregular migrants rather than victims, and the lack of sufficient data on victims of trafficking disaggregated by sex, age and nationality;

(d) The lack of adequate resources to allow for the effective implementation of the existing protection system for victims of trafficking, in particular women migrants, refugees and asylum seekers who are victims or at risk of being victims of trafficking;

(e) The lack of systematic rehabilitation and reintegration measures, such as access to counselling, medical treatment, psychological support and redress, including compensation, for victims of trafficking;

(f) The lack of alternative income opportunities for women and girls wishing to leave prostitution.

30. **The Committee recommends that the State party:**

(a) **Adopt comprehensive and gender-sensitive anti-trafficking legislation;**

(b) **Investigate, prosecute and punish all cases of trafficking in persons, especially of women and girls, and ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime;**

(c) Adopt adequate mechanisms for the early identification and referral of victims of trafficking in order for them to receive coordinated protection and assistance following arrival by sea and throughout the asylum procedure;

(d) Allocate adequate resources for the effective and sustainable implementation of the existing protection system for victims of trafficking, in particular women migrants, refugees and asylum seekers who are victims or at risk of becoming victims of trafficking;

(e) Prevent and combat other forms of exploitative practices relating to trafficking, in particular sexual exploitation and forced labour, servitude and modern forms of slavery;

(f) Provide victims of trafficking with adequate access to health care and counselling and strengthen such services by providing enhanced human, technical and financial resources to social work centres and targeted training for social workers;

(g) Ensure that all victims of trafficking, irrespective of their ethnic, national or social background and legal status, obtain effective protection and redress, including rehabilitation and compensation;

(h) Strengthen the assistance provided to women and girls who wish to leave prostitution, including by providing them with alternative income-generating opportunities, and intensify efforts to reduce demand for prostitution and raise clients' awareness of the desperate situation of those who provide these services;

(i) Strengthen measures to address the root causes of trafficking, such as poverty and high unemployment among women and girls;

(j) Pursue international, regional and bilateral cooperation efforts with countries of origin, transit and destination, including through information exchange and the harmonization of procedures, to prevent trafficking and bring perpetrators to justice.

Participation in political and public life

31. The Committee notes the State party's legislative measures to increase the participation of women in political and public life, including mandatory quotas for national, local and European elections and for boards of publicly listed and State-owned companies, which have resulted in a progressive increase in the proportion of women representatives in the national parliament (30.1 per cent), regional governments (35 per cent) and the European Parliament (39.7 per cent), as well as on boards of publicly listed and State-owned companies (27.6 per cent). The Committee remains concerned, however, that:

(a) Women in the State party are still underrepresented in the parliament and on regional councils, as well as in ministerial positions, in the judiciary, on boards of directors and in senior positions within the public administration, including in the diplomatic service;

(b) Women in politics are often targets of sexist attacks and harassment because of their gender and face negative cultural attitudes and gender stereotypes within political parties and the media and among voters.

32. **The Committee recommends that the State party:**

(a) Strengthen the representation of women in decision-making positions in political life, including in ministerial positions, in the judiciary, on boards of directors and in senior positions within the public administration, including in

the diplomatic service, and to that end adopt measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, such as a gender parity system for accelerated recruitment and appointment of women to senior positions in the public administration;

(b) **Introduce gender parity for both chambers of the parliament in the reform of the electoral law;**

(c) **Intensify awareness-raising campaigns for politicians, journalists, teachers and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women;**

(d) **Continue to provide training for women on leadership skills, campaigning and constituency-building to prepare them as candidates;**

(e) **Consider the adoption of specific legislation to combat political harassment and sexist attacks.**

Nationality

33. The Committee is concerned about the disproportionate impact of statelessness on women and children owing to various factors, affecting the situation of de facto stateless persons, including reports of a large number of stateless Roma children. It notes with concern:

(a) The structural gaps in the national framework for the identification of stateless persons, especially women;

(b) The restrictive access to status determination procedures, owing to the excessive standard of proof and costs of those procedures, which women may be unable to meet owing to factors such as illiteracy or a lack of resources;

(c) That the nationality law applies only to children whose parents are officially recognized as stateless, a status that may be particularly cumbersome for women to obtain;

(d) The non-retroactive application of the law, so that formal recognition of the parents as stateless after the birth of the child does not mean that the child will receive Italian nationality, which could disproportionately affect children of single mothers.

34. **The Committee recommends that the State party expedite the adoption of bill No. 2148 and that it:**

(a) **Remove procedural obstacles and difficulties and improve procedures in relation to the identification and protection of stateless persons, especially women and girls;**

(b) **Facilitate access to nationality for stateless persons, with a particular focus on women and children;**

(c) **Enable children of non-formally recognized stateless persons, including single mothers, to obtain Italian nationality;**

(d) **Ensure the retroactive application of the law on nationality so that children whose parents have been formally recognized as stateless after their birth can obtain Italian nationality;**

(e) Ensure compliance with international standards on procedural safeguards in statelessness determination procedures and apply them in a gender-sensitive manner.

Education

35. The Committee welcomes the high enrolment rate of women and girls at all levels of education, in particular tertiary education. It also welcomes the measures taken to ensure that gender equality permeates all levels of education and to overcome gender-stereotyped educational and vocational choices. The Committee is concerned, however, about:

(a) The concentration of women in traditionally female-dominated fields of study and career paths and their underrepresentation in vocational training and in certain fields of higher education, including mathematics, information technology and science;

(b) The continued horizontal segregation with regard to participation by women in natural science and technology-related research;

(c) The lack of mandatory, comprehensive and age-appropriate education in schools on sexual and reproductive health and rights;

(d) The low level of school attendance and the high dropout rates among Roma, Sinti and Caminanti girls and the absence of a gender impact assessment for the implementation of the national strategy for the inclusion of Roma, Sinti and Caminanti communities, covering the period 2012-2020.

36. **The Committee recommends that the State party:**

(a) Address discriminatory stereotypes and structural barriers that may deter girls from enrolling in traditionally male-dominated fields of study, including mathematics, information technology and science;

(b) Ensure that all gender stereotypes are eliminated from textbooks and that school curricula, academic programmes and professional training for teachers cover women's rights and gender equality;

(c) Finalize and implement the national guidelines for education on affectivity, sexuality and reproductive health in schools, in line with the Standards for Sexuality Education in Europe developed by the World Health Organization Regional Office for Europe and the Federal Centre for Health Education of Germany, in order to provide mandatory, comprehensive and age-appropriate education on sexual and reproductive health and rights to girls and boys as part of the regular school curriculum, including on responsible sexual behaviour and prevention of early pregnancy and sexually transmitted infections;

(d) Take effective measures to retain Roma girls in school and increase their enrolment through temporary special measures, such as scholarships and free provision of textbooks, and conduct a gender impact assessment of the implementation of the national strategy for the inclusion of Roma, Sinti and Caminanti communities.

Employment

37. The Committee welcomes the adoption of measures by the State party to support the participation of women in the labour market and facilitate the reconciliation of work and family life and encourage shared parental responsibilities. It is concerned, however, that the austerity measures introduced in

response to the economic and financial crisis have had a severe and disproportionate impact on women, in particular women with disabilities, older women and women domestic workers. Women have faced unemployment, reductions in social security and dependent care payments, wage freezes and the transformation of full-time jobs into part-time jobs with overtime hours. The Committee is particularly concerned about:

(a) The disproportionately high unemployment rate among women, in particular young and highly educated women living in the south, and the low percentage of female entrepreneurs compared with male entrepreneurs;

(b) The segmentation of the labour market, the continuing horizontal and vertical occupational segregation and the concentration of women in part-time and low-paid jobs;

(c) The persistent gender wage gap in both the public and private sectors, which adversely affects the career development of and pension benefits for women;

(d) The high number of women leaving the workforce after childbirth, the difficulties in re-entering the labour market and the fact that, the reforms notwithstanding, the amount of parental leave taken by men remains very low;

(e) The limited access to the labour market for women living in rural areas, women migrants, refugees and asylum seekers, Roma, Sinti and Caminanti women and women with disabilities.

38. **The Committee recommends that the State party:**

(a) **Adopt measures, including temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, with the aim of achieving the substantive equality of women and men in the labour market, including for young women with higher education qualifications living in the south, and establish special training programmes and counselling for different groups of unemployed women, including on the promotion of women entrepreneurship;**

(b) **Adopt effective measures, including skills training and incentives for and encouragement of women to work in non-traditional fields, and eliminate occupational segregation, both horizontal and vertical, in the public and private sectors;**

(c) **Adopt measures to narrow and close the gender wage gap, including gender-neutral analytical job classification and evaluation methods and regular pay surveys;**

(d) **Increase the access of women to full-time employment, including by promoting the equal sharing of domestic and family tasks between men and women, providing more and improved childcare facilities and increasing the incentives for men to avail themselves of their right to parental leave;**

(e) **Adopt temporary special measures to accelerate the equal participation of women in the labour market, in particular of women migrants, refugees and asylum seekers, Roma, Sinti, Caminanti and older women, single mothers and women with disabilities, and undertake comprehensive studies on the employment and working conditions of those women.**

Women migrant workers

39. The Committee notes the measures adopted by the State party to combat labour exploitation, including the new law to combat undeclared work and labour exploitation in the agricultural sector. It is concerned, however, about:

(a) The continued labour exploitation faced by women migrant workers, in particular those in irregular situations working in the agricultural sector or as domestic workers, as well as women who are victims of sexual exploitation on agricultural farms;

(b) The systematic failure of employers to comply with rules on occupational safety and minimum living conditions, and the lack of effective labour inspections;

(c) The absence of clear and effective procedures enabling women migrant workers to complain about abusive working conditions, including in relation to outstanding pay;

(d) Difficulties for women migrant workers in gaining access to basic social services, in particular those provided by local authorities.

40. **The Committee recommends that the State party:**

(a) **Ensure the effective implementation of the law to combat undeclared work and labour exploitation in the agricultural sector;**

(b) **Strengthen the capacity of the National Labour Inspectorate to implement legislation to combat labour exploitation, monitor the working conditions of women on agricultural farms to prevent cases of sexual exploitation and ensure that employers who abuse the rights of women migrant workers are punished;**

(c) **Establish effective complaint procedures to enable women migrant workers to lodge complaints against their employers without fear of reprisals, arrest, detention or deportation and revise Legislative Decree No. 109 of 22 June 2007, the so-called "Rosarno law", to that end;**

(d) **Provide access to basic services to all women migrant workers, regardless of their immigration status.**

Health

41. The Committee is concerned about:

(a) The reduction in public funds allocated to health care and the partial privatization of the sector, which is having a detrimental impact on the health of women, in particular those belonging to disadvantaged and marginalized groups;

(b) The regional disparities in the provision of essential-level assistance;

(c) The reduction of funds in the area of prevention of sexually transmitted infections, in particular HIV, and the increased cost of the new generation of contraceptives;

(d) The limited availability and accessibility of abortion services owing to the significant number of health personnel conscientiously objecting to carrying out such operations and the lack of health centres providing these services, leading pregnant women to undergo unsafe abortions;

(e) The fact that intersex children are subjected to irreversible surgery for intersex variation and other medical treatment without their free and informed consent.

42. **The Committee, recalling its general recommendation No. 24 (1999) on women and health, recommends that the State party:**

(a) Increase the budget allocated to the health sector in order to ensure the full realization of the right to health, including sexual and reproductive health and rights, for all women and girls;

(b) Ensure that essential-level assistance is evenly provided throughout the State party;

(c) Increase the budget allocated to the prevention of sexually transmitted infections, in particular HIV, and improve access to the new generation of contraceptives, including by ensuring coverage by the national health service;

(d) Ensure the full application of Act No. 194/78 throughout the State party, including by identifying existing hindrances and adopting a procedure common to all provinces in order to guarantee access to abortion services and appropriate referral services, and ensure that the exercise of conscientious objection by health-care personnel does not pose an obstacle for women who wish to terminate a pregnancy;

(e) Develop and implement a rights-based health-care protocol for intersex children, ensuring that children and their parents are appropriately informed of all options, that the children are involved, to the greatest extent possible, in decision-making about medical interventions and that their choices are respected and that no child is subjected to unnecessary surgery or treatment.

Economic empowerment of women

43. The Committee is concerned that:

(a) Austerity measures have had a disproportionate effect on women, given that they are the main recipients of the social services provided by the welfare State;

(b) Low levels of social benefits and very strict eligibility criteria have resulted in a situation in which many women living in poverty, in particular single mothers, older women and those without previous employment, are excluded from social protection;

(c) Women are underrepresented in sports federations and cultural institutions and women's sports competitions and artistic activities are allocated a significantly lower share of broadcasting time.

44. **The Committee recommends that the State party:**

(a) Conduct a systematic assessment of the impact of such laws and policies on the lives of women and their families;

(b) Review the austerity laws that have disproportionately affected women, in particular those relating to child allowances, social benefits and pension schemes;

(c) Closely monitor the national social security programme and ensure that it is implemented in a gender-sensitive manner;

(d) Pursue its efforts to achieve substantive gender equality in sports and cultural activities, including through the use of temporary special measures.

Rural women

45. The Committee notes the various programmes aimed at the economic empowerment of rural women, but is concerned that rural women living in less

developed areas face specific impediments to the full and equal enjoyment and exercise of their rights under the Convention. The Committee is particularly concerned about:

(a) The difficult economic and social situation facing rural women, in particular migrant rural women, regarding access to social and health services, economic opportunities and decision-making processes in relation to policies that affect them;

(b) The small number of family farms run by women as a result of traditional and social patterns in which husbands predominate as registered owners of farms.

46. **The Committee recommends that the State party:**

(a) **Adopt targeted measures, including within its programme on rural development for the period 2015-2020, to ensure that rural women living in less developed areas have effective access to social and health services, economic opportunities and decision-making processes in relation to policies that affect them;**

(b) **Strengthen and ensure the effective implementation of existing policies and programmes for the economic empowerment of rural women, including by promoting their ownership of land.**

Women with disabilities

47. The Committee welcomes the adoption of the national disability action plan and Legislative Decree No. 66/2017 to promote school inclusion for students with disabilities, as well as the establishment of an information centre on persons with disabilities. The Committee is concerned, however, about:

(a) The discrimination faced by women and girls with disabilities in gaining access to education, employment and health care, and their exclusion from public and social life and from decision-making processes;

(b) The very low and often not implemented quotas to promote the inclusion of persons with disabilities in the open labour market;

(c) The gendered consequences of the current policies whereby women are "forced" to remain at home as caregivers for their family members with disabilities instead of being employed in the labour market;

(d) The fact that women with disabilities face a situation of economic dependency, which puts them at risk of situations of violence.

48. **The Committee recommends that the State party:**

(a) **Adopt targeted measures to promote the access of women with disabilities to inclusive education, the open labour market, health care, including sexual and reproductive health and rights, public and social life and decision-making processes;**

(b) **Increase and effectively implement quotas in public and private companies to promote the inclusion of persons with disabilities, in particular women with disabilities, in the open labour market;**

(c) **Increase budgetary support to enable women with disabilities to live independently throughout the country and have equal access to services, including personal assistance;**

(d) **Implement awareness-raising campaigns and provide capacity-building for State officials on the rights and special needs of women and girls with disabilities.**

Women in detention

49. The Committee welcomes the adoption of Act No. 62/2011, which provides for the protection of the relationship between mothers in prison and their minor children. Nevertheless, the Committee remains concerned about:

(a) The lack of sex-disaggregated data on the number of women in detention, including in pretrial and administrative detention, the serious overcrowding in prisons owing to the high number of persons in pretrial detention and the lack of access to basic health and social services;

(b) The limited access to education, job skills training, work opportunities and health services for women in detention;

(c) The lack of alternatives to detention, especially for pregnant women and mothers with children.

50. **The Committee recalls the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and recommends that the State party:**

(a) **Collect sex-disaggregated data on the number of women in detention, including in pretrial and administrative detention, and provide information on their conditions of detention, especially on access to basic health and social services;**

(b) **Develop for prison staff mandatory capacity-building programmes on gender equality and women's dignity and rights;**

(c) **Allocate human, technical and financial resources to expand the coverage of education, employment programmes and health services to include women in pretrial detention;**

(d) **Provide alternatives to detention, especially for pregnant women and mothers with young children, taking into account the best interest of the child.**

Marriage and family relations

51. The Committee welcomes the legal reform reducing the length of the divorce procedures. While noting the decision by the Supreme Court calling into question the validity of the so-called "parental alienation syndrome" theory and its repudiation by the Italian Psychology Society and the Ministry of Health, the Committee is concerned that:

(a) The concept continues to be used as the basis of psychological reports by experts in child custody proceedings;

(b) The existing legislative mechanism does not adequately address the consideration that needs to be given to gender-based violence in the domestic sphere in the determination of child custody;

(c) While the default matrimonial property regime is that of community property, many couples opt to contract separate property, which often results in detrimental outcomes for women;

(d) Services and rights are inconsistently applied among districts in cases of failure by the father to pay child maintenance.

52. **The Committee recommends that the State party:**

(a) **Take all measures necessary to discourage the use of "parental alienation syndrome" by experts and by courts in custody cases;**

(b) **Adequately consider the specific needs of women and children in determining child custody in cases involving gender-based violence in the domestic sphere;**

(c) **Ensure that women are fully aware and informed of the consequences of their decision in contracting prenuptial agreements regarding the distribution of matrimonial property following divorce or separation;**

(d) **Set up a mechanism to take into consideration the disparity in the earning capacity and the human potential between the separating spouses, given women's higher investment in childcare and domestic work at the expense of their career;**

(e) **Adopt legislation to guarantee the even implementation of services for and respect for the rights of all Italian children in all districts when the father fails to pay child maintenance.**

Beijing Declaration and Platform for Action

53. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

54. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

55. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.**

Ratification of other treaties

56. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to the concluding observations

57. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 15 (a) and (b), 21 (b) and 23 above.**

Preparation of the next report

58. **The Committee requests the State party to submit its eighth periodic report, which is due in July 2021. The report should be submitted on time and, in case of delay, cover the entire period up to the time of its submission.**

59. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**